

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3096
	)	
V.	)	
	)	
NORBERTO MORALES-CHAVEZ,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
_____	)	

I have considered the defendant's motion for continuance contained within his Statement (filing no. [30](#)), and the government's objection (filing no. [31](#)) thereto. Because the proposed change in the Guidelines are important, and the defendant will remain in custody, a continuance is warranted and the public interest will not be harmed by the granting of such continuance. Therefore,

IT IS ORDERED that:

1. The motion for continuance contained within the Statement (filing no. [30](#)) is granted. The objection (filing no. [31](#)) is denied.
2. This matter is continued until a date on or after November 14, 2011. My judicial assistant shall contact counsel and schedule the precise sentencing date and time.
3. On November 2, 2011, the probation officer assigned to this case will submit to the undersigned and counsel a sentencing recommendation taking the new Guidelines into account assuming those new Guidelines have become effective. If the new Guidelines have not become

effective, the probation officer will submit to the undersigned and counsel a sentencing recommendation based upon the previously submitted presentence report.<sup>1</sup> My judicial assistant shall provide the probation officer with a copy of this order and a copy of filing 30.

4. Counsel for the parties may file motions and objections to the calculations set forth in the aforementioned sentencing recommendation no later than November 9, 2011. If objections or motions are submitted they shall be resolved at sentencing without the issuance of tentative findings.
5. If it appears that the proposed Guidelines are withdrawn or will not become effective, counsel for the government or counsel for the defendant may move the court to set a new and earlier sentencing date.

DATED this 18<sup>th</sup> day of February, 2011.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge

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<sup>1</sup>Save for his desire to have the new Guidelines apply, the defendant has no objection to that presentence report and he has adopted it. (Filing no. [30](#) at CM/ECF p. 1 ¶.) The government has no objection to the presentence report either. (Filing no. [31](#).) Accordingly, tentative findings are not necessary and the presentence report is adopted subject to a determination that the new Guidelines are effective and applicable.